

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 5, 2005
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:10 a.m. Mayor Murphy recessed the meeting at 11:23 a.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 11:31 a.m. with all Council Members present.

On behalf of CH2M HILL and the National League of Cities, Bonita Duran, Vice President and Director of State and Local Governmental Affairs at CH2M HILL, presented Mayor Murphy with the James Howland Urban Enrichment Award for the Family Justice Center, the most comprehensive “one-stop shop” service center in America for families that are experiencing the physical and emotional trauma of domestic violence. Mayor Murphy stated that he was honored to accept the award on behalf of the citizens of San Diego and the individuals who run the Family Justice Center, reminding everyone that it was former City Attorney Casey Gwinn’s vision that was implemented by Gail Strack, Director of the Family Justice Center, with the assistance of the San Diego Police Department and the many Social Service Organizations that made the Center a huge success.

Mayor Murphy then presented Gail Strack, with a special plaque to be displayed at the Center. Ms. Strack graciously accepted the plaque and thanked and saluted Mayor Murphy, Council Member Madaffer, former City Attorney Casey Gwinn, David Bejerano, former Chief of Police, Fire Chief Jeff Bowman, the City Attorney’s Office, Andria Freshwater, City Manager Ewell, William Lansdowne, Chief of Police and his department, Bonnie Dumanis, and many others for their efforts, priorities, and decisions and for making the fight against domestic violence a high priority for the City.

Mayor Murphy recessed the regular meeting at 11:49 a.m. to convene the Housing Authority and to convene the Redevelopment Agency thereafter. The regular meeting was reconvened at 11:54 a.m. by Mayor Murphy with all Council Members present. Mayor Murphy recessed the meeting at 12:06 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:08 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:13 p.m. for the purposed of a break. Mayor Murphy reconvened the meeting at 3:26 p.m. with all Council Members present. Deputy Mayor Zucchet welcomed and recognized students from Hi-Tech High School. Mayor Murphy adjourned the meeting at 5:34 p.m. into Closed Session immediately thereafter to discussing pending and potential litigation and meet and confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Lane (mc/er)

FILE LOCATION: MINUTES



ITEM-300:

ROLL CALL

Clerk Lane called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: REFERRED TO CITY MANAGER AND CITY ATTORNEY

Comment by District Attorney Bonnie Dumanis and John Lusardi regarding the proposed transfer of prosecuting misdemeanor crimes to the Office of the District Attorney.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:35 a.m.)

PUBLIC COMMENT-2:

Comment by Don Stillwell regarding the myth of separation of church and state.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. – 10:38 a.m.)

PUBLIC COMMENT-3:

Comment by Hud Collins regarding his opinion of the actions of the City Attorney and certain Council Members.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

PUBLIC COMMENT-4:

Comment by Frank Eaves requesting that Council adopt a resolution to stop the torture and inhumane treatment of Falun Gong practitioners in the Sister City of Yantai in China.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:44 a.m.)

PUBLIC COMMENT-5:

Comment by Professor Bill Neill regarding the proposed new 935 Area Code involving Coronado, Chula Vista, National City, El Cajon and other areas and also commented on the Miramar Landfill.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:46 a.m.)

PUBLIC COMMENT-6: REFERRED TO CITY MANAGER AND CITY ATTORNEY

Comment by Dan Lawton regarding sex discrimination on City-owned land, specifically, the continuing practice of the Fairbanks Ranch Country Club banning women from entering its lounge.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:52 a.m.)

PUBLIC COMMENT-7:

Comment by Terry Pesta regarding the City of San Diego budget and asked Council to not consider cutting programs that involve children's facilities such as swimming pools, park and recreation facilities and libraries.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. – 10:53 a.m.)

PUBLIC COMMENT-8: REFERRED TO CITY MANAGER

Comment by Theresa Quiroz regarding the discrimination she feels is taking place at the Memorial Park Pool and urged that Council reinstate Fernando Gonzalez, the swimming coach at the pool, to his original position.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. – 10:56 a.m.)

PUBLIC COMMENT-9:

Comment by Ron Boshun regarding Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. – 11:01 a.m.)

PUBLIC COMMENT-10:

Comment by Phil Hart inquiring if City funds are being used to pay legal fees for Council Members.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. – 11:03 a.m.)

PUBLIC COMMENT-11:

Comment by Donald Cohen regarding the Living Wage issue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. – 11:07 a.m.)

PUBLIC COMMENT-12: REFERRED TO CITY MANAGER

Comment by Julie Valle and Ismael Diaz de Leon regarding the discrimination they feel is taking place at the Memorial Park Pool and requested that Council reinstate Swimming Coach Fernando Gonzalez to his original position.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. – 11:12 a.m.)

PUBLIC COMMENT-13:

Comment by Daniel Coffey thanking City Manager Lamont Ewell for continuing with the City for the next six months. Mr. Coffey also stated that he would suggest that Council think about the real objectives of the park and recreation system and look into the Memorial Park Pool issue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:12 a.m. – 11:14 a.m.)

PUBLIC COMMENT-14:

Comment by Ian Trowbridge regarding SCERS documents.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. – 11:17 a.m.)

PUBLIC COMMENT-15:

Comment by Muhammed Abdullah regarding the September 11 attack on America and also thanked Council Member Young for attending the Hope Rally.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:17 a.m. – 11:20 a.m.)

PUBLIC COMMENT-16:

Comment by Bert Decker requesting the transfer of Mount Soledad to the Federal Government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:20 a.m. – 11:23 a.m.)

COUNCIL COMMENT:

None.

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-310: In the Matter of 2004 Resident Satisfaction Awards.

CONTINUED TO MONDAY, APRIL 11, 2005

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:10 p.m.)

MOTION BY FRYE TO CONTINUE TO MONDAY, APRIL 11, 2005. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-330: Request to Bid Installation of Traffic Signals at 8th Avenue and Ash Street and at First and Island Avenues.

(See Centre City Development Corporation Report CCDC-05-12/CCDC-05-06. Cortez Redevelopment District and Marina Sub Area of the Centre City Redevelopment Project. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-903) ADOPTED AS RESOLUTION R-300290

Finding and determining that the installation of one traffic signal in the Cortez Redevelopment District of the Expansion Sub Area and one traffic signal in the Marina Sub Area of the Project Area, to be paid for by the Agency, is of benefit to the Project Area, that no other reasonable means of financing the proposed improvements are available to the community, and that the proposed improvements will assist in eliminating blighting conditions inside the Project Area;

Finding and determining that the installation of one traffic signal in the Cortez Redevelopment District of the Expansion Sub Area and one traffic signal in the Marina Sub Area of the Project Area is consistent with the Implementation Plan adopted for the Project Area pursuant to California Health and Safety Code Section 33490;

Declaring the Council consents to the payment by the Agency for the cost of the improvements identified above;

Authorizing the City Clerk to deliver a copy of this resolution to the Executive Director and members of the Agency;

Declaring the total amount for the contract and agreement shall not exceed \$327,750.

NOTE: See the Redevelopment Agency Agenda of April 5, 2005, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:54 a.m. – 11:55 a.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-331: Fourth Amendment to the Redevelopment Plan for the City Heights Redevelopment Project.

(City Heights Community Area. Districts 3, 4, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-982) ADOPTED AS RESOLUTION R-300291

Consenting to a joint public hearing with the Redevelopment Agency on the proposed Redevelopment Plan for the City Heights Redevelopment Project (Project) and authorizes the City Clerk, in cooperation with the Executive Director of the Agency, or designee, to establish the date, time, and place therefore;

Declaring the City of San Diego shall, by its designee, in cooperation with the Executive Director of the Agency, or designee, publish, and mail the Notice of Joint Public Hearing on the proposed Redevelopment Plan, in the manner, and with other documents as required and established by law.

CITY MANAGER SUPPORTING INFORMATION:

Pursuant to the California Community Redevelopment Law (Health & Safety Code, Section 33000, et seq.), the City Council and the Redevelopment Agency must hold a Joint Public Hearing on the proposed Fourth Amendment to the City Heights Redevelopment Plan.

The Fourth Amendment to the City Heights Redevelopment Plan is required to bring the Plan's Land Use map into conformance with the proposed Mid-City Communities Plan Amendment to change the land use and zoning for the Auburn Park Apartments affordable housing project.

The City Manager recommends the authorization, approval and adoption of the resolution to set a Joint Public Hearing of the City Council and Redevelopment Agency to consider the proposed Fourth Amendment to the City Heights Redevelopment Plan and authorizing the City Clerk to set the time, date, and place thereof as June 14, 2005. With the authorization of the Council and the Redevelopment Agency to set a date for the joint public hearing a notice of the hearing will be published in a newspaper of general circulation for three successive weeks, and a first class mailing notice will be sent to all residents, business owners and property owners in the Project Area. Staff will work with the City Clerk and the Mayor's office to coordinate this public meeting.

The action today is to set the date for the joint public hearing. At the hearing, the City Council and Redevelopment Agency will consider the staff report on the proposed Fourth Amendment to the City Heights Redevelopment Plan, including the recommendations of the Planning Commission, the City Heights Redevelopment Project Area and public testimony regarding the Fourth Amendment to the Redevelopment Plan.

After the joint City Council/Agency public hearing, the City Council will vote on whether or not to approve and adopt the proposed Fourth Amendment to the City Heights Redevelopment Plan, approve and adopt the proposed Mid-City Community Plan Amendment, approve and certify the Mitigated Negative Declaration Study and approve entitlements for the Auburn Park Apartments Project.

Frazier/Cunningham/BK

Staff: Bob Kennedy – (619) 533-4276
Rachel H. Witt

NOTE: See the Redevelopment Agency Agenda of April 5, 2005, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:55 a.m. – 11:56 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-332: Consent for Acquisition of Camino Del Norte.

(Rancho Penasquitos Community Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-712) ADOPTED AS RESOLUTION R-300292

Authorizing, approving, and consenting to County Resolution No. 04-240 for the County's acquisition of a portion of the City street Camino Del Norte;

Declaring that this resolution shall not become effective until the City approves the necessary permits, is listed as an additional insured and is also indemnified per the County's Subdivision Improvement Agreement with the developer, authorizing the right of way construction and improvements per this resolution;

Declaring that the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

CITY MANAGER SUPPORTING INFORMATION:

On February 25, 2004, the County of San Diego per Resolution No. 04-239 approved a Subdivision Improvement Agreement requiring 4S Kelwood General Partnership to improve Camino Del Norte, a portion of which is within San Diego city limits. The portion of Camino Del Norte affected is westerly of I-15 in the Penasquitos Community Planning Area in Council District 5. On October 27, 2004, the Board of Supervisors of the County of San Diego passed Resolution No. 04-240 providing for that portion of Camino Del Norte within the limits of the City of San Diego be acquired, widened, and improved for the benefit of development within the County of San Diego. The resolution provides that after acquisition and improvement, said right-of-way will become part of the City street system.

4S Kelwood, the subdivider, has been unable to acquire the real property interest necessary to improve the right-of-way. Pursuant to Streets and Highways Code section 943, the County may acquire any property by eminent domain for the uses and purposes of county highways.

However, since the property is in the City of San Diego, the County needs approval from the City to proceed. All expenses required in connection with this action will be bourn by the County and developer.

Staff recommends approval.

FISCAL IMPACT:

None.

Loveland/Broughton/GRB

Staff: Lee Hennes – (619) 466-5291
John C. Hemmerling

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:56 a.m. – 11:57 a.m.)

MOTION BY MAIENSCHIEIN TO ADOPT WITH DIRECTION TO THE CITY
MANAGER TO ADVISE THE COUNCIL ONCE THIS PROPERTY IS RETURNED.
Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea,
Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



[ITEM-333:](#) Approval of Countywide Summary Plan and Countywide Updated
Siting Element.

(See City Manager Report No. 05-068 Rev.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-956) ADOPTED AS RESOLUTION R-300295

Adopting and approving the Countywide Summary Plan and the Countywide
Updated Siting Element in connection with the Integrated Waste Management
Plan, as set forth in detail in City Manger Report No. 05-068;

Approving the submission of the Countywide Summary Plan and the Countywide Updated Siting Element to the California Integrated Waste Management Board by the County of San Diego for consideration of final approval on behalf of the City of San Diego;

Directing the City Manager to report to the Council in September 2005, on changes in regional waste disposal infrastructure and the City's long-term disposal options.

Subitem-B: (R-2005-957) ADOPTED AS RESOLUTION R-300296

Declaring that the information contained in Negative Declaration SCH 2004041115, including any comments received during the public review process, has been reviewed and considered by this Council in connection with the County wide Siting Element of the County Integrated Waste Management Plan;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Staff: Lisa Wood – (858) 573-1236
Grace C. Lowenberg

FILE LOCATION: Subitems A-B: MEET

COUNCIL ACTION: (Time duration: 3:26 p.m. – 3:28 p.m.)

MOTION BY FRYE TO ADOPT WITH DIRECTION TO THE CITY MANAGER TO PROVIDE AN UPDATE ON WHEN THE MANDATORY RECYCLING PROGRAM WILL BE DOCKETED TO BE HEARD BY COUNCIL. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



[ITEM-334: Council Update and Action:](#) Military Base Realignment and Closure.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1032) ADOPTED AS RESOLUTION R-300297

Council Update and Action: Military Base Realignment and Closure.

CITY MANAGER SUPPORTING INFORMATION:

By vote of September 2, 2003, the Council:

1. Accepted an assessment of San Diego's situation relative to the Base Realignment & Closure (BRAC) process proposed for 2005 prepared by consultant Bill Cassidy.
2. Directed the Government Relations Department to establish a regional BRAC Working Group under the direction of the San Diego Regional Economic Development Corporation.
3. Authorized the expenditure of City funds to continue the work of Mr. Bill Cassidy as a consultant to the regional BRAC working group.

Since that vote, the regional working group was formed and has designed and implemented a strategy to preserve military bases in the San Diego region. The April 5, 2005 report will:

1. Update Council on the assessment of regional strengths and risks as we move closer to the May 13-16, 2005, release of the Pentagon's proposed closure and realignment list.
2. Outline the regional working group's strategy relative to evaluating and responding to the Pentagon base closure and realignment list.
3. Request the support of the Council in requesting a meeting of the BRAC Commission in San Diego.
4. Outline a specific realignment scenario by the Navy at San Diego's Broadway Complex, and request Council authorization to request this realignment as part of BRAC proceedings.

Staff: Andrew Poat – (619) 533-3978

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:33 p.m.)

MOTION BY MAIENSCHIEN TO ADOPT THE RESOLUTION AND REQUEST THAT A BRAC COMMISSION HEARING BE HELD IN SAN DIEGO. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-335: Amendments to San Diego Municipal Code Relating to the Financial Reporting Oversight Board.

MAYOR MURPHY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2005-112) INTRODUCED, TO BE ADOPTED MONDAY, APRIL 18, 2005

Introduction of an Ordinance amending Chapter 2, Article 6, Division 17, of the San Diego Municipal Code by amending Section 26.1701, Relating to the Financial Reporting Oversight Board.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:59 a.m. – 12:03 p.m.)

MOTION BY FRYE TO INTRODUCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-336: In the Matter of the Community Facilities District (CFD) Bond Issuance for the NTC Park.

DISCUSSED

(See memorandum from Deputy Mayor Zucchet dated 3/16/2005.)

FILE LOCATION: MEET (67)

COUNCIL ACTION: (Time duration: 3:29 p.m. – 5:22 p.m.)

MOTION BY ZUCCHET TO DIRECT THE CITY MANAGER, CITY ATTORNEY, OUTSIDE BOND COUNCIL, AND ANYONE INVOLVED WITH THE FINANCING TEAM TO BRING BACK THE FINANCING DOCUMENTS, WHICH ARE NEEDED TO GO FORWARD WITH THE PARK, TO THE CITY COUNCIL BY MAY 17, 2005; AND TO CODIFY THE PROMISE MADE BY MCMILLAN TO START AND FINISH THE PARK QUICKER. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-337: Two actions related to a Street and Easement Vacation - Carmel Valley Road.

(Carmel Valley Community Plan Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-666) CONTINUED TO TUESDAY, APRIL 19, 2005

Vacating a portion of Carmel Mountain Road.

Subitem-B: (R-2005-668) CONTINUED TO TUESDAY, APRIL 19, 2005

Vacating the drainage easement located within the Northeast quarter, Northwest quarter, Southwest quarter, Southeast quarter of Section 29, Township 14 South, Range 3 West.

CITY MANAGER SUPPORTING INFORMATION:

The portion of Carmel Valley Road right-of-way proposed to be vacated are excess side strips originally intended for an additional traffic lane that would be used for a right turn pocket and for a transition in street width. The drainage easement vacation is part of a related revision of a drainage system.

Currently, Carmel Valley Road at this location is 114 feet wide. The street that required the right turn pocket was eliminated from the final design of Carmel Valley Road. Eliminating the need for the additional lane reduces the required street width. In addition, a change in the street design shortens the distance of a transition in width of right-of-way. The extra right-of-way included in the transition in width is not within the portion of street proposed to be vacated. The design changes have been approved and the street is in construction. A reduced street width of 98 feet is needed after these design changes and will be the street width upon vacation of the excess side strips.

On September 14, 2004, the Carmel Valley Community Planning Board unanimously recommended approval of the street and easement vacation as long as the revised drainage system does not disturb environmentally sensitive areas. The revised storm drain system is in the same area as was originally approved and therefore will not disturb any areas that were previously approved for disturbance. The conditions of approval of the drainage construction require restoration of any sensitive areas to natural vegetation. A new drainage easement will be dedicated in the location of the revised drainage system.

FINDINGS: Staff review has indicated that the right-of-way may be vacated and that the four required findings for vacation can be made.

That there is no prospective use for the easement or right-of-way; either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated – The right-of-way side strips are not needed for the street design. The revised drainage system is not located in the present drainage easement.

That the public will benefit from the action through improved utilization of land made possible by the street vacation – The property owners can utilize the vacated area. The City of San Diego will no longer be responsible for the maintenance of the excess street width and can use of savings for other street improvements and maintenance.

That the vacation or abandonment is not inconsistent with the General Plan, an approved Community Plan, or the Local Coastal Program. – The Carmel Valley Community Planning Board's concerns were addressed in the approved plans for this area.

That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation – The reduced width of the street design meets the current design requirements. A new drainage easement will be placed over the revised drainage system.

FISCAL IMPACT:

None. All costs are paid by the applicant.

DEVELOPMENT SERVICES DEPARTMENT RECOMMENDATION:

Approval of this request.

Loveland/Brought/AKW

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

Staff: Allan Wake – (619) 446-5309

FILE LOCATION: Subitems A-B: STRT – J-2970 (39)

COUNCIL ACTION: (Time duration: 11:58 a.m. – 11:59 a.m.)

MOTION BY PETERS TO CONTINUE TO APRIL 19, 2005, AT THE REQUEST OF THE CITY MANAGER DUE TO NOTICING PROBLEMS. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-338: O'Hara Gleeson Alley Vacation.

A Public Right of Way Vacation No. 31236, which requires Coastal Development Permit No. 165258 to vacate an unimproved portion of the unnamed public alley right-of-way between the properties, located at 975 and 995 Gage Drive in Point Loma. The project is located within the Peninsula Community Plan. No other properties along this unimproved alley are included in this request. No development is proposed with this project.

(Peninsula Community Plan Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; and adopt the resolution in subitem B to grant the permit:

Subitem-A: (R-2005-775) ADOPTED AS RESOLUTION R-300298

Adoption of a Resolution vacating the alley vacation easement located within the Peninsula Community Plan area in connection with Coastal Development Permit No. 165258, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20143-B, marked as Exhibit "B," and on file in the office of the City Clerk;

That said alley vacation is conditioned upon approval and issuance of Coastal Development Permit No. 165258. In the event this condition is not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect;

That the City Engineer shall advise the City Clerk of the completion of the aforementioned condition and the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder;

That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

Subitem-B: (R-2005-) GRANTED PERMIT, ADOPTED AS RESOLUTION
R-300299

Adoption of a Resolution granting or denying Coastal Development Permit No. 165258, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

On December 18, 2003, the Peninsula Community Planning Board voted 10-0-0 to recommend approval of the proposed project. The Peninsula Community Planning Board requested the property owners execute a building restricted easement for this 16-foot wide alley vacation area. The applicant agreed and executed a building Restricted Easement over the requested alley vacation area to satisfy the Community concerns.

CITY MANAGER SUPPORTING INFORMATION:

This is a request for a Public Right of Way Vacation which requires a Coastal Development Permit to vacate an unimproved portion of the unnamed alley right-of-way between the properties located at 975 and 995 Gage Drive in Point Loma. No other properties along this unimproved alley are included in this request. No development is proposed with this project. The intent of this project is to resolve a Code Compliance Case which was a response to a neighbor complaint regarding a deck and fence encroaching into this unimproved public alley right-of-way. The Code Compliance Case required the property owner at 995 Gage Drive to obtain an Encroachment Maintenance Removal Agreement (EMRA). Subsequently, the property owners at 975 Gage Drive joined with the owner of the cited property at 995 Gage Drive to request a Public of Way Vacation. A Public Right Of Way Vacation is an option to resolve this type of Code Compliance case. The applicants chose this option in an attempt to keep the existing situation the same, as they did not want to change the character of the neighborhood. If approved, this remnant 16-foot wide "paper alley" would revert back to the two underlying property owners. The existing approximate 25 year old fence and deck would be allowed to remain. Staff agreed that an improved alley could not be constructed in the subject project area. The maximum allowed alley road grade is 15% based on the City Street Design Manual dated November 2002. This area of the unimproved alley is too steep topographically; it is an approximately 40-foot high hill. In addition, the City has no public purpose for this right of way easement. The project is a Summary Vacation in accordance with the California Street and Highway Code and Land Development Code, therefore does not require a Planning Commission Recommendation. The proposed project is in compliance with all applicable regulations of the Land Development Code.

FISCAL IMPACT:

None with this action. All Development Services Department Processing costs are recovered by a deposit account funded by the applicant.

Ewell/Halbert/DM

Staff: Diane Murbach - (619) 446-5042.

FILE LOCATION: Subitems A-B: LUP – O'Hara Gleeson Alley Vacation
04/05/05 (65)

COUNCIL ACTION: (Time duration: 2:33 p.m. – 3:13 p.m.)

Testimony in opposition by Conrad Shaeffer.

Testimony in favor by Judith O'Hara, Candice Gleeson, Patricia Lucas, Bill Fallon, Cynthia Conger, and Maggie Valentine.

MOTION BY ZUCCHET TO ADOPT THE RESOLUTION IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE PERMIT. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-339: University of San Diego School of Education.

Matter of approving, conditionally approving, modifying or denying an application to amend the University of San Diego Master Plan Conditional Use Permit No. 92-0568 to include a Site Development and Conditional Use Permit to accommodate grading and construction of an undeveloped site for the School of Education, consisting of two educational buildings and child care center at 5530 Marian Way in the RM-3-7, RM-4-10 and CC-1-3 Zone of the Linda Vista Community Plan, Campus Parking Impact Overlay Zone. The property is sited adjacent to and northerly of Marian Way, north of Linda Vista Road, west of Via Las Cumbres, east of Cushman Avenue and south of Tecolote Canyon Natural Park, legally described as Pueblo Lots 287, 288, 294-296; Portions of Pueblo Lots 267, 286, 292, 293, and 297; Blocks 22 and 23; Portions of Blocks 20 and 25; and Lots 1-3, Block "A", Silver Terrace, Map No. 434; Parcels 'A' and "B", Parcel Map No. 319; and Parcels 1 and 2, Parcel Map No. 7526. Process 5.

(See City Manager Report CMR-05-036. Mission Valley Community Plan Area. District 6.)

(Continued from the meeting of March 15, 2005, Item 336, at the request of Councilmember Frye, for further review.)

NOTE: Hearing open. No testimony taken on 3/15/05.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; and adopt the resolution in subitem B to grant the permits:

Subitem-A: (R-2005-876) ADOPTED AS RESOLUTION R-300293

Adoption of a Resolution certifying that Addendum to Environmental Impact Report No. 92-0568, in connection with the CUP No. 10325 and SDP No. 10326 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Administrative Code section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council;

That pursuant to California Administrative Code section 15093, the City Council hereby adopts the Statement of Overriding Considerations, with respect to the project;

That pursuant to California Public Resources Code, section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2005-) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-300294

Adoption of a Resolution granting or denying Conditional Use Permit No. 10325, Site Development Permit No. 10326, and Amending the USD Master Plan CUP/RPO Permit No. 92-0568, with appropriate findings to support Council actions.

OTHER RECOMMENDATIONS:

Planning Commission on December 2, 2004, voted 7-0 to approve; no opposition.

Ayes: Lettieri, Garcia, Schultz, Ontai, Otsuji, Steele, Chase

The Linda Vista Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

In 1992, the University of San Diego submitted an application for Master Plan and Conditional Use and Resource Protection Ordinance (CUP/RPO) Permit No. 92-0568. This Permit was the implementing document for the Master Plan and Design Guidelines. The Master Plan included a total of twenty-six specific projects proposed for phased development on individual sites throughout the 180-acre campus, located within the Linda Vista community Plan Area. The campus is generally sited north of Linda Vista Road, south of Tecolote Canyon Natural Park, east of Cushman Avenue/Place, and west of Via Las Cumbres.

University property is zoned RM-3-7 and RM-4-10 (Residential/Multi-Family) and CC-1-3 (Community Commercial), designated for Institutional "University" use in the adopted Linda Vista Community Plan and located within the Campus Parking Impact Overlay Zone. In 1996, twenty-three of the twenty-six proposed projects were approved for phased development on specific project sites.

One of these approved projects, Project No. 3, included the School of Education which was to be located on an easterly of the campus adjacent to Linda Vista Road near the easterly entrance. This three-story, 48,159 square-foot building would have replaced an 11,292 square-foot structure. Based on the needs of the University this site was ultimately developed with the Alumni Center in lieu of the School of Education. As allowed in the CUP/RPO Permit, plans for the Alumni Center were reviewed and approved pursuant to the substantial conformance review process.

In March 2003, the University submitted an application seeking to amend the Master Plan to accommodate the relocated School of Education. The School of Education project seeks to develop two buildings totaling 91,250 square-feet, on an approximate 3.3-acre site located on a westerly portion of the campus at the northwesterly corner of Marian Way and Camino Way (North Perimeter Road). For purpose of the current application and to incorporate the development proposal into the Master Plan, the proposed site was designated "Site No. 30". An easterly portion of Site No. 30 is currently used as a surface parking lot consisting of 231 parking spaces. Implementation of the project may replace these spaces with 207 parking spaces, for a net loss of 24 parking spaces. Upon build-out of the Master Plan, a total 4,683 off-street parking spaces will be provided on campus. The remaining westerly portion of Site No. 30 contains University owned undeveloped open space.

A "site specific" Conditional Use Permit is required for the project because development is proposed on a site which was to remain a surface parking lot and undeveloped University owned open space in the approved Master Plan.

A Site Development Permit for Environmentally Sensitive Lands is required because a portion of the project site, located westerly of the surface parking lot, contains biologically sensitive, steep slope, and/or potentially sensitive cultural resource areas located outside of defined Master Plan project boundaries.

Portions of these areas will be impacted by the proposed development. As required by the Resource Protection Ordinance, these areas were preserved under a "Declaration of Restriction". Pursuant to the "Declaration of Restriction" and as provided for by the approved Master Plan, proposed development within these areas requires City Council approval pursuant to Process 5. These areas are depicted on Figures 0.5 (Sensitive Resources), 0.6 (Areas with Potential for Cultural Resources) and 0.7 (Resource Preservation/Declaration of Restriction), and are included as attachments 11, 12 and 13 respectively.

FISCAL IMPACT:

Staff costs associated with processing this project are recovered from a separate deposit provided and maintained by the Applicant.

Frazier/Halbert/WCT

LEGAL DESCRIPTION:

The site is located in the RM-3-7, RM-4-10 and CC-1-3 Zone of the Linda Vista Community Plan, Campus Parking Impact.

Staff: Bill Tripp - (619) 446-5273

FILE LOCATION: LUP – University of San Diego School of Education
04/05/05 (65)

COUNCIL ACTION: (Time duration: 11:49 a.m. – 11:49 a.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTIONS, GRANTING THE PERMIT.
Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea,
Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:34 p.m. in honor of the memory of:

Shirley Allen as requested by Council Member Atkins,
Dallas Clark as requested by Council Member Atkins,
Robert O. Purcifull as requested by Council Member Maienschein,
Myrtle B. Redd as requested by Council Member Young
Minnie Williams as requested by Council Member Young, and
Ron Roache as requested by Mayor Murphy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:22 p.m. – 5:34 p.m.)